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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Commodity Futures Trading Commission

Plaintiff.

V.

Ooki DAO (formerly d/b/a bZx DAO), an unincorporated association,

Defendant.

**CIVIL ACTION NO: 3:22-cv-05416-
WHO**

Hon. William H. Orrick

**PLAINTIFF'S ADMINISTRATIVE
MOTION TO VACATE ORDERS
REQUIRING CASE MANAGEMENT
STATEMENT AND SETTING CASE
MANAGEMENT CONFERENCE**

Plaintiff Commodity Futures Trading Commission (“CFTC”) hereby submits its Administrative Motion To Vacate Orders Requiring Case Management Statement and Setting Case Management Conference (“Motion”). In support of the Motion, the CFTC states as follows:

1. On September 22, 2022, the Commission filed a Complaint against the Ooki DAO (formerly doing business as the bZx DAO), alleging violations of Sections 4(a) and 4d(a)(1) of

1 the Commodity Exchange Act (“Act”), 7 U.S.C. §§ 6(a), 6d(a)(1), and Commission Regulation
2 (“Regulation”) 42.2, 17 C.F.R. § 42.2 (2021). ECF No. 1.

3 2. On September 27, 2022, the Court issued a Case Management Conference Order
4 setting a Case Management Conference for December 20, 2022 and ordered that the parties be
5 prepared to address at such conference “the date and estimated length of trial; setting the date for
6 discovery cutoff; setting the date to designate experts and other witnesses; and setting the date
7 for pretrial conferences.” ECF No. 14. The Court similarly required counsel for the parties to
8 confer in advance of the Case Management Conference and for counsel to file a joint case
9 management statement in compliance with the Civil Local Rules and the Standing Order for All
10 Judges of the Northern District of California. ECF No. 14.

11 3. The Standing Order for All Judges of the Northern District of California
12 (Contents of Joint Case Management Statement) requires a Case Management Statement
13 addressing, among other things, jurisdiction and service; relevant facts and legal issues including
14 those in dispute; pending motions and anticipated motions; amendment of pleadings; evidence
15 preservation; compliance with initial disclosure requirements; proposed discovery plans and
16 disputes; relief sought; and proposed dates for expert designation, discovery cutoff, dispositive
17 motions hearings, pretrial conference, and trial.

18 4. On December 13, 2022, the Court ordered submission of a Case Management
19 Statement by February 7, 2023 and reset the Case Management Conference for February 14,
20 2023. ECF No. 60.

21 5. On January 11, 2023, pursuant to Federal Rule of Civil Procedure (“FRCP”)
22 55(a), after the Ooki DAO failed to appear and file a responsive pleading, the CFTC requested a
23

Clerk's Entry of Default against the Ooki DAO. ECF No. 64. On January 17, 2023, such Default was entered against the Ooki DAO. ECF No. 65.

6. The CFTC plans to file a motion for default judgment against the Ooki DAO pursuant to FRCP 55(b).

7. The CFTC has repeatedly—through submissions to the Ooki DAO’s Help Chat Box and through postings on the Ooki DAO’s Online Forum—requested that a representative of the Ooki DAO contact the CFTC to discuss this matter but has not received a response. Snyder Declaration ¶ 5 (attached hereto as Exhibit 1).

Given that this case is now in a default posture, the CFTC believes that the issues to be addressed in a Case Management Statement and at a Case Management Conference will either be addressed in the CFTC's forthcoming default judgment motion (e.g., jurisdiction, service, and the relevant facts and law) or are no longer relevant given such posture (e.g., discovery deadlines, trial dates, and similar items). Thus, the CFTC requests that the Court vacate its orders requiring submission of a Case Management Statement and setting a Case Management Conference.

Dated: January 19, 2023

Respectfully submitted,

COMMODITY FUTURES TRADING COMMISSION

By: /s/ Anthony C. Biagioli
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Certificate of Service

I hereby certify that on January 19, 2023, I caused a copy of the foregoing to be filed with the Clerk of the Court via the CM/ECF system as well as provided to the Defendant Ooki DAO through the Ooki DAO's Help Chat Box on the Ooki DAO website as well as by posting notice of the foregoing to the Ooki DAO's Online Forum.

/s/ Anthony C. Biagioli
Counsel for Plaintiff